

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (Philadelphia)**

IN RE: : CHAPTER 13
:
ROBERTIN NUNEZ : Bankruptcy No. 15-15811-mdc
:
Debtor :

STIPULATED ORDER

This Stipulated Order is made this 8th day of June, 2021, by and between Robertin Nunez (“Debtor”) and Emigrant Mortgage Company, Inc./Emigrant Residential, LLC, f/k/a EMC, L.L.C. (collectively referred to herein as “Emigrant”), by their respective counsel, as follows:

BACKGROUND

WHEREAS, on or about August 13, 2015, the Debtor filed a voluntary petition under Chapter 13 of the Bankruptcy Code.

WHEREAS, on or about November 27, 2015, Emigrant filed a Proof of Claim (the “Proof of Claim”) setting forth its secured claim against the Debtor.

WHEREAS, the Debtor’s obligation to Emigrant arises from a mortgage loan (the “Loan”), secured by residential real property, as more fully set forth in the Proof of Claim.

WHEREAS, on or about August 1, 2016, the Debtor filed his Amended Chapter 13 Plan (the “Plan”), which Plan was confirmed by the Court on February 23, 2017.

WHEREAS, the Plan provides for arrearages on the Loan to be paid through the Plan, with regular post-Petition payments on the Loan to be made directly to Emigrant.

WHEREAS, Emigrant filed notices of mortgage payment changes on or about 3/15/17, 3/7/19, 9/13/19, 4/6/20, 9/10/20.

WHEREAS, no objections were filed to the notices of mortgage payment changes.

WHEREAS, on or about January 19, 2021, the Bankruptcy Court Clerk's Office issued a Notice of Deadlines stating that the Standing Chapter 13 Trustee had filed his final report and account and that any objection to entry of the Order of Discharge must be filed within fourteen days from the date of the Notice.

WHEREAS, the Debtor has not made the payments to Emigrant as required by the Plan.

WHEREAS, the Loan is due for the post-Petition payment due May 1, 2020.

AND NOW therefore, with the foregoing background deemed incorporated herein by this reference as if fully set forth at length, the parties hereto intending to be legally bound by this Stipulated Order, and in consideration of the mutual covenants and terms contained herein agree as follows:

1. The Debtor acknowledges and agrees that as of the date hereof, post-Petition arrearages are due and owing in the amount of \$5278.70, plus Emigrant's reasonable attorneys' fees and costs (the "Post-Petition Arrearages").

2. The Parties hereto acknowledge and agree that any Order of Discharge entered in the above-captioned bankruptcy case shall not operate as a discharge of the Debtor's obligations to Emigrant under the Loan until all payments have been made on the Loan, including without limitation all Post-Petition Arrearages.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK – SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have authorized their counsel to execute this Stipulated Order this 8th day of June, 2021.



Leona Mogavero, Esquire
Friedman Schuman, P.C.
101 Greenwood Avenue, Fifth Floor
Jenkintown, PA 19046
Counsel for Emigrant Mortgage Company, Inc./
Emigrant Residential, LLC, f/k/a EMC, L.L.C.

No Objection

/s/ LeeAne O. Huggins

William C. Miller, Esquire
Office of the Chapter 13 Standing Trustee

/s/ David M. Offen

David M. Offen, Esquire
The Curtis Center
601 Walnut Street, Suite 160 West
Philadelphia, PA 19106
Attorney for Robertin Nunez

APPROVED and so ORDERED this 17th day of June, 2021.

BY THE COURT:



Magdeline D. Coleman,
Chief U.S. Bankruptcy Judge

Copies to:

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